

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|---------------------|
| WILLIE STOKES <i>Plaintiff</i> | : | CIVIL ACTION |
| | : | |
| | : | |
| v. | : | NO. 22-0338 |
| | : | |
| CITY OF PHILADELPHIA, et al. | : | |
| <i>Defendants</i> | : | |

ORDER

AND NOW, this 23rd day of January 2023, upon consideration of the *partial motion to dismiss* filed by Defendants the Estate of Detective Lawrence Gerrard (“Detective Gerrard”) and the City of Philadelphia (the “City”) (collectively, “Defendants”), [ECF 17], Plaintiff Willie Stokes’ (“Stokes”) response in opposition, [ECF 21], Defendants’ reply, [ECF 23], and the allegations in the complaint, [ECF 1], it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that:

1. The motion to dismiss is **GRANTED** as to Stokes’ 42 U.S.C. § 1983 claims against Detective Gerrard for civil rights conspiracy (Count III) and denial of liberty without due process of law (Count V) premised on Detective Gerrard’s alleged failure to disclose exculpatory information in violation of *Brady v. Maryland*, 373 U.S. 83 (1963);
2. The motion to dismiss is **GRANTED** as to Stokes’ § 1983 malicious prosecution conspiracy claim against Detective Gerrard (Count III), but *only* to the extent that claim is grounded in the Due Process Clause of the Fourteenth Amendment;
3. The motion to dismiss is **GRANTED** as to Stokes’ § 1983 conspiracy claims against Detective Gerrard (Count III) based on theories of unreasonable searches and seizures, false arrest, and false imprisonment;
4. The motion to dismiss is **GRANTED** as to Stokes’ *Monell* claims against the City (Counts IV and VI), but *only* to the extent these claims are premised on the City’s involvement in officers’ failure to disclose exculpatory information in violation of *Brady*; and
5. The motion to dismiss is **DENIED** in all other respects.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court